

Remarks

Rejection of Claims 1-17 Under Nonstatutory Obviousness-Type Double Patenting

Claims 1-17 stand rejected as allegedly obvious over U.S. Pat. No. 7,033,748. Applicants respectfully traverse the rejection.

Applicants file herewith a terminal disclaimer over U.S. Pat. No. 7,033,748. Applicants note that the filing of this terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *See Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991) (stating that the “filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection”). The appropriate terminal disclaimer fee is filed herewith.

Therefore, the rejection over U.S. Pat. No. 7,033,748 is moot. Applicants respectfully request withdrawal of the rejection.

Respectfully submitted,

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